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**JUL 19 2006**

**OFFICE OF PETITIONS**

In re Application of  
Hiserodt  
Application No. 09/162,648,  
Filed: September 29, 1998  
Title: Cancer Immunotherapy Using  
Allostimulated Cells in a Multiple Sequential  
Implantation Strategy

**ON PETITION**

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed December 2, 2005. In the alternative petitioner has requested the petition be treated under 37 CFR 1.137(b).

The petition to withdraw the holding of abandonment is **Dismissed**.  
The petition to revive under 37 CFR 1.137(b) is **Dismissed**.

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers mailed on October 20, 2005. The Notice to File Corrected Application Papers set a non-extendable thirty (30) day period for reply. A reply was not received. This decision precedes the mailing of a Notice of Abandonment.

Petitioner states during the later part of October through November of 2005 that he suffered a series of medical maladies. Petitioner contends the request for an executed declaration and correction of the priority document within a non-extendable thirty (30) day reply period was unreasonable. Petitioner argues extensions under 37 CFR 1.136(a)(1) accommodate professional, familial and health considerations. The departure from extendable reply period has caused a serious hardship for petitioner. Petitioner further insist that the purported defects could have been identified by the Office any time during the past six years.

Petitioner's argument has been considered but deemed unpersuasive. While it is unfortunate that petitioner's illness prevented timely response to the Notice to File Corrected Application Papers, the facts provided do not warrant the withdrawal of the holding of abandonment. Petitioner does not contend that he did not receive the Notice to File Corrected Application Papers or that he timely replied to the Office Action. Petitioner contends he needed additional time to reply to the Notice. Accordingly, petitioner does not dispute that the application is not abandoned. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions

Further, the Office makes every effort to ensure that an application is in proper order before the mailing of the Notice of Allowance. However, sometimes defects are discovered and must be addressed prior to issuance of the patent.

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Telephone inquiries concerning this matter should be directed to the undersigned at  
(571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions